

REMARKS

Claims 1, 3-6, 8-10 and 45-56 are currently pending in the subject application and are presently under consideration. Claims 1 and 6 have been amended as shown on pp. 2 and 3 of the Reply. Claims 11-20 and 26-44 have been canceled without prejudice as directed to non-elected inventions as shown on p. 4 of the Reply. Claims 2, 7, and 21-25 have been canceled as well as shown on pp. 2 - 4 of the Reply. Claims 45-56 have been added as shown on pp.4-6 of the Reply. No new matter has been added.

The Examiner is thanked for the courtesies extended to Applicants' representative, Larry M. Kasoff, in a telephonic interview on December 19, 2007. Applicants' representative contented that Sanmugam does not teach or suggest "monitoring said registration process for registration communications emitting from a third device; completing said registration process if no said registration communications emitting from a third device is detected; *and not completing said registration process if registration communications from a third device are detected,*" as recited in now canceled claim 2. No agreement was reached.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 21-25 Under 35 U.S.C. §101

Claims 21-25 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 21-25 are canceled; thus, this rejection is moot.

II. Rejection of Claims 1-10 and 21-25 Under 35 U.S.C. §102(b)

Claims 1-10 and 21-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Sanmugam (US Patent No. 5,978,669). For at least the following reasons, this rejection should be withdrawn.

Claim 1, as amended, recites, "monitoring said registration process for registration communications emitting from a third device; *completing said registration process if no said registration communications emitting from a third device is detected; and not completing said registration process if any registration communications from a third device are detected.*" Sanmugam does not teach or suggest this aspect.

The Office has cited col. 8, lines 14-30, Figs. 3A and 3B and their associated text for this recited aspect in connection with similar language in canceled claim 2. However, these passages teach that fraud can be detected if a second mobile station attempts system access using the same mobile identifying data (*e.g.*, MIN/ESN) as a first mobile station but different channel identifying data. As a result of fraud being detected, system access can be denied and/or removed for the mobile stations with the same mobile identifying data.

In contrast, the recited aspect makes it clear that if any registration communications is detected as being emitted from a third device, then the registration process is not completed. Sanmugam, however, fails to complete system access only when two mobile stations are providing the same mobile identifying data but different channel identifying data. In fact, Sanmugam makes it clear that multiple mobile stations with different mobile identifying data are allowed to register in close time proximity for system access *via* one or more base stations. For example, if only a single mobile station could register with the base station (*i.e.*, the second network device) at nearly the same time as other mobile stations, there would be no need to perform the improved multiple access screening.

Thus, claim 1 (and dependent claims 3-5 and 45-47) is patentable over Sanmugam for at least this reason.

Claim 6, as amended, similarly recites, “***a monitoring system that detects a registration signal that might emanate from a third device, whereby detection of any said registration signal from said third device prevents registration of said network device as part of said registration process.***” Therefore, for similar reasons, claim 6 (and dependent claims 8-10 and 48-50) is patentable over Sanmugam for at least this reason.

Claims 2, 7, and 21-25 are canceled; thus, the rejection of those claims is moot.

Accordingly, for at least these reasons, Applicants respectfully request withdrawal of this rejection.

III. New claims 51-56

Claim 51 recites, “generating a secret at at least one of said two network devices *without pre-registration knowledge of information associated with the other network device.*” Sanmugam does not teach or suggest this aspect.

As the Office points out Sanmugam teaches using IS-54 and IS-41 for encryption and authentication between the mobile station and the base station. However, these encryption/authentication schemes rely on a shared, secret A-key between the mobile station and the network authentication center. (*See, e.g.,* CDMA 1XRTT Security Overview § 2.1, pg. 4). Unlike parameters to Diffie-Hellman, the A-key is a shared secret that is only shared with a particular mobile station and the network authentication center prior to registration. Thus, these encryption/authentication schemes require pre-registration knowledge of information associated with the other network device.

Accordingly, claim 51 (and its dependent claims 52-56) are allowable over Sanmugam.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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